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Counsel for Defendant RODRIGUEZ-REYES

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00013 RMW
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING AND EXCLUDE TIME;</b>
v.	)	<del>PROPOSED ORDER</del>
	)	
ANTONIO RODRIGUEZ-REYES,	)	
	)	
Defendant.	)	
	)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, October 29, 2007, should be continued to November 19, 2007. The continuance is requested because there is a possible venue issue in the case, and the government requires additional time to investigate.

The parties further agree that time should be excluded under the Speedy Trial Act from October 29, 2007, to November 19, 2007, because the defense and the government require time for investigation and preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy trial. Additionally, an exclusion is appropriate to allow for continuity of counsel.

1 Dated: 10/26/07

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

3 Dated: 10/26/07

/s/  
JOSEPH FAZIOLI  
Assistant United States Attorney

6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for October 19, 2007,  
8 on grounds that the government requires additional time to investigate a possible venue defect.

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
10 presently set for October 29, 2007, be continued to November 19, 2007, at 9:00 a.m.

11 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
12 from October 29, 2007, to November 19, 2007, shall be excluded from the period of time within  
13 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

14  
15 Dated: 11/6/07

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge